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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/273,784 03/22/99 MCBRIDE

J 10971308-1

EXAMINER

022879 TM02/0814  
HEWLETT PACKARD COMPANY  
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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS CO 80527-2400

PHAN, T

ART UNIT

PAPER NUMBER

2123  
DATE MAILED:

08/14/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.  
09/273,784

Applicant(s)  
John McBride

Examiner  
Thal Phan

Art Unit  
2123



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is responsive to patent application S/N: 09/273,784. Claims 1-20 are pending in this official action.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 15 is rejected under 35 U.S.C. 101 because it is a non-statutory subject matter.

Claim 15 is directed to a computer code embodied in computer-readable medium. Whether storing computer code in computer readable medium or computer code practically stored in medium per se is a non-statutory subject matter. And further, computer code stored in medium per se is not a functional claim languages.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Le et al., patent no. 6,055,366.

As per claims 1 and 15, Le anticipated method and system apparatus for checking design rule as claimed. According to Le, the method and system for design rule checker includes a computer configured to execute a rule checker program, wherein the design rule being checked for an integrated circuit design having gates, gate connected in datapath or along circuit paths including static gate characteristics, transistor parameters such as width, length, connected in device channel, etc. (see cols. 2-7).

As per claim 2, Le anticipated reading transistor design parameters for design rule check as claimed.

As per claims 3-7, the rule checker program as in the art of record obtains transistor design parameters and checks with the operating conditions as claimed (Le).

As per claim 8, in addition to the limitations as in claim 1, Le anticipated the method for checking design rule including checking transistor design parameters in compatible with operating conditions such as noise from high power voltage, excessive heat generated, etc. (Le, "Background of the Invention").

As per claims 9-14, due to the similarity of claims 9-14 to claims 2-7; therefore, claims 9-14 are also rejected in like manner.

Similarly, claims 16-20 are also rejected under the same rationales as above because the claims are directed to computer program codes for controlling an apparatus for performing steps as in claims 2-7 and in claims 9-14.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubin, U.S. patent no. 5,050,091.

As per claims 1 and 15, Rubin anticipated method and system apparatus for checking design rule as claimed. According to Rubin, the method and system for design rule checker includes a computer configured to execute a rule checker program, wherein the design rule being checked for an integrated circuit design having gates, gate connected along circuit paths, static gate characteristics, transistor parameters such as width, length, connected channel, etc.

(Abstract, "Summary of the Invention", col. 6, lines 40-48, cols. 8, 9, 12).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Patent no. 5,050,091, issued to Rubin, Steven, Sept. 1991
2. Patent no. 5,126,950, issued to Rees et al., June 1992
3. Patent no. 5,258,919, issued to Yamanouchi et al., Nov. 1993
4. Patent no. 5,325,309, issued to Halaviati et al., June 1994
5. Patent no. 5,493,508, issued to Dangelo et al., Feb. 1996
6. Patent no. 5,586,046, issued to Feldbaumer et al., Dec. 1996

7. Patent no. 5,666,288, issued to Jones et al., Sept. 1997
8. Patent no. 5,987,237, issued to McBride, John, Nov. 1999
9. Patent no. 6,077,717, issued to McBride, June 2000
10. Patent no. 6,175,946, issued to Ly et al., June 2001
11. 6,260,180, issued to McBride, John, July 2001

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is (703) 305-3812.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-1396 (for informal or draft communications, please label:

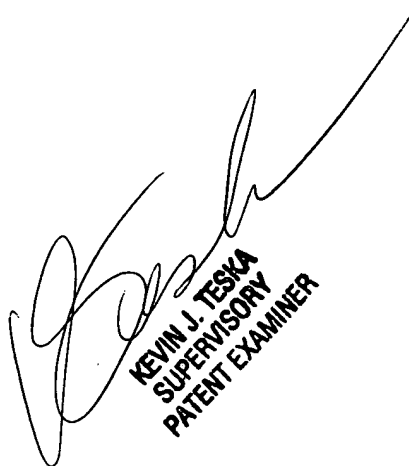
"PROPOSED" or "DRAFT")

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Art Unit: 2123

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington. VA., Sixth Floor (Receptionist).

August 10, 2001



KEVIN J. TESKA  
SUPERVISORY  
PATENT EXAMINER